

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 122

A BY-LAW TO REPEAL BY-LAW 2005-103 AND TO ADOPT A POLICY ON RIGHT OF WAY WIDTHS FOR THE CITY OF KAWARTHA LAKES

**Recitals**

1. The *Municipal Act, 2001*, Section 27 (1) states that except as otherwise provided in this Act, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway.
2. The terms of the Right of Ways Width Policy must be formally approved by Council.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-122.**

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
  - (a) “**By-law**” means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
  - (b) “**City**” means The Corporation of the City of Kawartha Lakes.
  - (c) “**Clerk**” means the person within the administration of the City which fulfils the function of the City Clerk as required by the *Municipal Act 2001 S. O. c.25*.
  - (d) “**Council**” means the elected municipal council for the City.
  - (e) “**Director**” means the Director of \*\* of the City.
- 1.02 **Interpretation Rules:**
  - (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
  - (b) References to items in the plural include the singular, as applicable.
  - (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S.O. edition. References to by-laws are references to the municipal by-laws with force of law in Kawartha Lakes.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Article 2.00: Approval

- 2.01 **Adoption:** The Right of Way Widths Policy appended to this By-law as Schedule 'A' is adopted.
- 2.02 **Policy:** The Right of Ways Width Policy is to be placed in the Corporate Policy and Procedure Manual.

Article 3.00: Effective Date

3.01 **Repeal:** By-law 2005-103 is repealed.

3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24<sup>th</sup> day of May, 2005.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Revised  
Policy No:

<b>115</b>	<b>EPW</b>	<b>008</b>
------------	------------	------------

**Policy Name:**

**RIGHT OF WAY WIDTHS**

<b>DEVELOPED BY:</b>	<b>Kenneth D. Becking</b>	<b>DATE:</b>	<b>May 10, 2005</b>
<b>DEPARTMENT:</b>	<b>Public Works</b>		
<b>ADOPTED BY:</b>	<b>Council</b>	<b>DATE:</b>	<b>May 10, 2005</b>
<b>RESOLUTION NUMBER:</b>	<b>CR2005-518</b>	<b>EFFECTIVE:</b>	<b>May 10/05</b>
<b>CROSS-REFERENCE:</b>		<b>REVISIONS:</b>	

**POLICY STATEMENT AND RATIONALE:**

Right of ways are common public lands and provide space for the placement of common services such as roads, sidewalks, water and sewer and utilities such as telephone, electricity and natural gas. Because we are in a northern climate, right of ways must also provide sufficient volume for the storage of snow plowed from the streets.

The widths recommended in the policy are considered the minimum necessary to provide for the placement of common services for the public. They represent a reasonable balance between the needs of the road authority to provide for the services and desires of the development community to minimize the allocation of lands for such common purposes.

**SCOPE:**

This policy applies to all existing and proposed right of ways within the City of Kawartha Lakes.

**DEFINITIONS:**

*Local Roads* – Roads whose primary function is to provide access to adjoining properties. Local roads connect to other local roads and collector roads.

*Collector Roads* – Roads whose purpose is to provide access to property and move traffic. They connect local roads to the arterial system. Collector roads place equal priority on these two functions. Minor Collectors provide service to a small number of local roadways, typically less than five. Major Collectors service larger numbers of roadways and hence carry higher volumes of traffic.

*Arterial Roads* – Roads whose function is primarily to move traffic. Property access is a secondary consideration and may be restricted to avoid interference with the flow of traffic.

**POLICY, PROCEDURE AND IMPLEMENTATION:**

- 1.0 That the City adopt a policy on minimum right of ways.**
- 1.01 The City of Kawartha Lakes adopts the following minimum widths for public purposes:

<u>Road Classification</u>	<u>Urban</u>	<u>Rural</u>
Local	18.5 metres	20.0 metres
Minor Collector	20.0 metres	--
Major Collector	26.0 metres *	--
Arterial	30.0 metres *	26.0 metres*

\* Additional widths may be required if additional lanes are warranted as a result of a traffic management plan.

<u>Other Corridors</u>	
Drainage Corridors	4.5 to 6.0 metres
Utilities Corridors	4.5 to 6.0 metres
Pathways	3.0 to 4.5 metres